

OFFICIAL MINUTES
Carroll County Planning and Zoning Commission

May 19, 2015

Location: Carroll County Office Building

Members Present: Richard J. Soisson, Vice Chair
Eugene A. Canale
Matthew S. Helminiak
Jeffrey A. Wothers
C. Richard Weaver, Commissioner

Members Absent: Alec Yeo, Chairman
Cynthia L. Cheatwood
Richard S. Rothschild, Ex-Officio
Daniel E. Hoff, Alternate

Present with the Commission were the following persons: Philip R. Hager and Kelly Martin, Department of Land Use, Planning, and Development; Gail Kessler, County Attorney's Office; Lynda Eisenberg, Scott Graf, and Andrea Gerhard, Bureau of Comprehensive Planning; Clay Black, Laura Matyas, and John Breeding, Bureau of Development Review; Jay Voight, Zoning Administrator; Jeff Glass, City of Westminster; J. R. Hawkins; Alexandra Bull; David Morris; Ron Thompson; Matthew Zimmerman; Brooks Leahy; Sam Mangione; Lou Mangione; Rich Dyer; Marty Hackett; Mike Dull; Tom Meachum; Clark Shaffer; Pauline Coker; John Lemmerman; Robert Meekins; David Wilson; and Kristen Coker.

CALL TO ORDER/WELCOME

Vice Chair Soisson called the meeting to order at approximately 9:04 a.m.

ESTABLISHMENT OF QUORUM

Kelly Martin took the attendance of the Commission, noting that five members were present, and there was a quorum.

PLEDGE OF ALLEGIANCE

OPENING REMARKS/ADMINISTRATIVE MATTERS

Philip R. Hager, Secretary, noted that a revised agenda was forwarded to the Commission.

REVIEW AND APPROVAL OF AGENDA

The agenda was approved as previously revised on motion of Mr. Wothers, seconded by Mr. Helminiak, and carried.

PUBLIC COMMENTS

There were no public comments.

REVIEW AND APPROVAL OF MINUTES

- A. April 21, 2015
- B. April 29, 2015
- C. May 6, 2015

The minutes of April 21, 2015, April 29, 2015, and May 6, 2015 were approved as written on motion of Mr. Wothers, seconded by Mr. Canale, and carried.

COMMISSION MEMBER REPORTS

- A. Commission Chairman
- B. Ex-Officio Member

A. COMMISSION CHAIRMAN

Vice Chair Soisson indicated he had nothing to report.

B. EX-OFFICIO MEMBER

Commissioner Weaver indicated he had nothing to report.

DEPARTMENT OF LAND USE, PLANNING & DEVELOPMENT STAFF REPORTS

- A. Director
- B. 2014 Annual Report
- C. Rural Villages

A. DIRECTOR

Philip R. Hager, Director, reported that two extension requests were granted in the last month, including: a fourth one-year extension of the major subdivision plan of Deer Trail, 9 lots, located near the intersection of Deer Park Road and MD 91 in the Finksburg area; and, a fifth one-year extension of the site plan of Crossroads Automotive Services Center, a 10,000 square foot building, located at Gamber and Old Gamber Roads in the Finksburg area.

B. 2014 ANNUAL REPORT

Scott Graf, Bureau of Comprehensive Planning, asked whether the Commission had any questions or comments with regard to the draft Annual Report distributed at the last meeting. He noted that the City of Westminster and Town of Manchester both made minor changes to their information contained in the report. Mr. Graf explained that the report would be before the Commission at the June meeting for approval.

C. RURAL VILLAGES

Andrea Gerhard, Bureau of Comprehensive Planning, explained that it was intentional on the part of staff to not include a contact person for any of the Rural Villages because of how quickly that information becomes outdated.

Mr. Hager reported that the Development Review Coordinator position has been filled, and Price Wagoner will be starting on Thursday. The Ag Preservation Specialist position has also been filled by J.P. Smith. Two vacancies remain in the department.

2015 SPRING AMENDMENT TO THE CARROLL COUNTY WATER AND SEWER MASTER PLAN

Andrea Gerhard, Bureau of Comprehensive Planning, explained that amendments to the Carroll County Water and Sewer Master Plan are processed twice a year. She provided an overview of the proposed amendment to the Hampstead Water Service Area which includes an update of Tables 8A, 8B, and 8E, amendments to Table 16 to reflect the updated data, and an update of the Hampstead Water Service Area Map to reflect the change, and she reviewed the comments received. Ms. Gerhard provided an overview of the proposed amendment to the Hampstead Sewer Service Area which includes relocation of the Hampstead Wastewater Treatment Plant Outfall to a new location, amendments to Table 27 to reflect category changes that are needed in order to make this new outfall possible, an update of the Hampstead Sewer Service Area Map to reflect the change, and amendments to the Hampstead Sewer Service Area chapter to include language regarding the new outfall. She reviewed the comments received from agencies. If the Commission finds the proposed amendments consistent with the Carroll County Master Plan, they will be presented to the Board of County Commissioners on Thursday with a request to move forward to public hearing. The public hearing is tentatively scheduled for June 11, with deliberations on June 25.

The Commission, on motion of Mr. Wothers, seconded by Mr. Helminiak, and carried, found the 2015 Spring Amendment to the 2014 Carroll County Water and Sewer Master Plan is consistent with the 2014 Carroll County Master Plan.

CONCEPT SITE PLAN REVIEW

- A. S-13-023, Verizon Wireless, Arbuthnot
- B. S-14-0031, Golden Crest 2 Westminster, Assisted Living

A. S-13-023, VERIZON WIRELESS, ARBUTHNOT

LOCATION: South side of Coon Club Road at Duane Drive, 8th Election District

OWNER: Duane & Janis Elaine Arbuthnot, 2427 Coon Club Road, Westminster, MD 21157

DEVELOPER: Verizon Wireless, c/o NB+C, c/o Alexandra Bull, 6095 Marshalee Drive, Suite 300, Elkridge, MD 21075

ENGINEER: Morris & Ritchie Associates, Inc., 1220-C East Joppa Road, Suite 505,
Towson, MD 21286

ZONING: Agricultural

BZA CASE: 5747, September 30, 2014

ACREAGE: 51.5014 acres

WATERSHED: Liberty Reservoir

FIRE DISTRICT: Hampstead

MASTER PLAN: Agriculture
PRIORITY

FUNDING AREA: Outside

DESIGNATED
GROWTH AREA: Outside

Laura Matyas presented the background.

Action Required:

The plan is before the Planning and Zoning Commission per Chapter 155 of the Code of Public Local Laws and Ordinances of Carroll County for consideration of a concept site plan. No action is required.

Existing Conditions:

The subject property is Lot 4A of Arbuthnot Estates. Over time, the Arbuthnot property has been subdivided into 9 lots and a Remaining Portion and has no further lot yield (see plats, attached). Built with a single-family residence, the lot hosts open agricultural fields over gently rolling lands. A swath of trees and the private driveway separates the curtilage area and the northern croplands from the southern portion of the property. On the southern portion are relatively equal parts cropland and forest as well as a stream. A 100-year Floodplain Easement exists on-site, established with Arbuthnot Estates Section Two in 1991.

Access is from Coon Club Road on Duane Drive, a private drive utilized by five properties. In the Agricultural Zoning District, seven users are permitted on a use-in-common drive.

The property is outside of Priority Funding Areas, Designated Growth Areas, and public water and sewer service areas.

All adjoining properties lie in the Agricultural Zoning District except those to the east which have an R-40,000 zoning designation and are built with single-family residences. Adjoining to the north are seven properties along Coon Club Road, six of which were subdivided from the Arbuthnot parent parcel. All are built with residences and the lots range in size from 1.05 acres to 1.45 acres. Finlandia Subdivision adjoins to the south with residential lots approximately 5-6

acres in size. Also to the south, parcel 433 (Hare property) and parcel 229 (Schmidt property), are built with single-family houses. The two lots encompassed by the Arbuthnot property, Lot 5A and Lot 9A, were subdivided from the Arbuthnot parent parcel. Both are built with single-family houses. Lot 9A also maintains a landscape services business with a conditional use; BZA Case #3805, October 27, 1992. The extreme southern adjoining property, Lot 10 of Arbuthnot Estates subdivision, is split-zoned Agricultural and Conservation and built with a single-family house. Adjoining to the west and southwest are expansive farmlands.

Plan Review:

In accordance with § 158.039 of the Carroll County Code of Public Local Laws and Ordinances, communications towers are permitted as a conditional use in the A District and in the C District subject to the following:

§ 158.039 UTILITY EQUIPMENT AND TOWERS.

(C) Communications towers.

(2) Communications towers are permitted as a conditional use in the “A” District and in the “C” District subject to the conditions and exceptions noted hereafter, imposed elsewhere in this division (C), imposed elsewhere in this chapter, imposed elsewhere by law, and subject to the following:

- (a) A minimum setback of a distance equaling the height of the tower. The setback shall be measured from the base of the tower to the boundary line of the property owned, leased, or controlled by easement by the applicant;
- (b) Subject to a minimum distance requirement of a distance equaling the height of the tower plus 200 feet from all Residence Districts, the “H” District, and the “MHP” District or the nearest part of any existing dwelling, school, religious establishment, or institution for human care, in any other district;
- (c) Subject to a minimum setback from all overhead transmission lines of a distance equaling two times the height of the tower and all masts; and
- (d) Subject to site plan approval by the Planning Commission pursuant to § [155.059](#).

On September 30, 2014 in Case #5747, the Board of Zoning Appeals (BZA) approved a 199-foot-tall monopole tower and accompanying compound at the location shown on the site development plan. Also approved was a reduction in the required driveway width from 18 feet to 12 feet (see decision, attached).

The developer proposes to construct a 199-foot-tall cellular communications monopole tower inside a 50' x 50' compound. All setback requirements for a communications tower are met. The site will be unmanned and will be infrequently visited for routine maintenance. Located within the northeast croplands of the site, Verizon Wireless will lease an 80' x 80' area around the compound. Twelve antennae for Verizon Wireless will be mounted at 195 feet above grade. The 199-foot tower height allows two additional future carriers to be mounted on the tower, maximizing the use of the new tower. The proposed use is consistent with the designation of Agriculture on the 2014 Carroll County Master Plan Future Land Use Map.

Access to the compound is a proposed 12-foot wide gravel access drive from Duane Drive. Duane Drive is a paved use-in-common driveway from Coon Club Road and is shared by five users: Lot 4A, Lot 5A, Lot 9A, parcel 433 (Hare property), and parcel 229 (Schmidt property).

A Declaration of Maintenance Obligations (DMO) is recorded in liber 1338, folio 539. As a leasee, Verizon Wireless will not be party to the DMO.

The existing Duane Drive entrance onto Coon Club Road does not meet County sight distance requirements. The facility will receive routine maintenance visits approximately once a month, with access and parking for one vehicle proposed. With consideration of the limited number of trips generated, a variance request to reduce the sight distance requirement from 500' to 413' to the east and from 500' to 319' to the west was submitted on April 6, 2015 and granted by the Department of Public Works (see attached).

Based on the initial submittal, the plan is exempt from the requirements of the Forest Conservation Ordinance. Landscaping is proposed along a portion of Duane Drive and around the entire compound for screening. Plantings at Duane Drive are proposed at 10' high and those around the compound at 6' high. Stormwater management will be addressed through grading at the access drive and stone trenching within the compound area. An eight-foot-high chain-link fence will be constructed to enclose the compound area. Barbed wire will be placed at the top one foot of the fence. Sheet 3 shows the details for the fence.

The proposed site plan was subject to Citizen's Involvement during the January 26, 2015 Technical Review Committee meeting. There were no citizens who spoke at the meeting and no written comments were forwarded to the Bureau of Development Review.

The property is not subject to the provisions of Concurrency Management, Chapter 156 of the Code of Public Local Laws and Ordinances of Carroll County; however, the project will be tested for Adequate Public Facilities before the site plan is presented to the Planning Commission for approval.

Discussion:

Matthew Helminiak, Commission member, asked how big the area of benefit will be for this tower.

Alexandra Bull, consultant representing Verizon Wireless, responded that, depending on the terrain, 1-3 miles in all directions should benefit from this tower.

There were no public comments.

B. S-14-0031, GOLDEN CREST 2 WESTMINSTER, ASSISTED LIVING

LOCATION: East side of Nelson Road, north of Maryland Route 32, 4th ED

OWNER: Robert J. & Shirley E. Nelson, 1801 Nelson Road, Westminster, MD 21157

DEVELOPER: C.T.M. Properties, LLC, c/o Robert & Kim Meekins, 3703 Wine Road, Westminster, MD 21158

(LLC Members: Robert & Kim Meekins)

ENGINEER: RTF Associates, Inc., 142 East Main Street, Westminster, MD 21157

ZONING: Agricultural

BZA CASE: 5815, February 24, 2015

ACREAGE: 4.616 acres

WATERSHED: Liberty Reservoir

FIRE DISTRICT: Westminster

MASTER PLAN: Agricultural

PRIORITY

FUNDING AREA: Outside

DESIGNATED

GROWTH AREA: Outside

Laura Matyas presented the background.

Action Required:

The plan is before the Planning and Zoning Commission per Chapter 155 of the Code of Public Local Laws and Ordinances of Carroll County for consideration of a concept site plan. **No action is required.**

The plan is before the Planning and Zoning Commission per Chapter 158.070(E)(1)(r) for review of the site development plan and traffic study, if any, and determinations regarding density, exterior design, and site layout. **Action is required.**

Existing Conditions:

The property for the Golden Crest 2 Westminster development is 4.616 acres in the Agricultural Zoning District with frontage on Nelson Road, a Maryland State Highway Administration (SHA)-maintained road. The property is currently vacant, open land. The adjoining property to the north hosts Golden Crest 1 Westminster, an assisted living facility approved on February 19, 2013 (see attached) and shares the Agricultural Zoning designation. Owners of the subject property also own a southern adjoining in-fee strip with a private driveway to Nelson Road from their eastern adjoining residential lot. The property to the south is zoned Agricultural and is being farmed. Maryland Route 97 lies due west. There are no streams or floodplains on site.

Site Plan History:

The concept site plan was subject to citizen involvement at the January 26, 2015 meeting of the Technical Review Committee. One citizen spoke in reference to this project with concerns of water being diverted to her south adjoining farm. The Project Engineer and Stormwater Management have designed a system to address the existing and projected runoff and the subject

property owner has entered into an agreement with the adjoining property owner. A diversion swale along the southern property line will re-direct runoff to the existing culvert.

Site Plan Review:

The developer proposes to construct a sixteen-bed, 7,935 square-foot assisted living building on the adjoining lot to Golden Crest 1 Westminster, growing their assisted living community. Assisted living facilities are a conditional use in the Agricultural Zoning District and the developer was granted the conditional use by the Board of Zoning Appeals (BZA) on February 24, 2015 (see attached). In concept review, the Planning Commission shall review the site development plan and traffic study, if any, and make determinations regarding density, exterior design, and site layout.

§ 158.070 “A” AGRICULTURAL DISTRICT.

(E) Conditional uses requiring BZA authorization.

(1) Conditional uses requiring BZA authorization shall be as follows:

(r) Nursing homes, continuing care retirement communities and assisted-living facilities, subject to prior concept site development plan and traffic study review and determination of density, exterior design, and site layout by the Planning Commission;

Chapter 158 of the Carroll County Code of Public Local Laws and Ordinances, the Zoning Ordinance, requires a minimum lot size of three acres for this use in the Agricultural Zoning District. The site is 4.616 acres.

The Zoning Code states the density for assisted living facilities in the Agricultural Zoning District as 1 bed for every 3,000 square feet with the specification that for those areas in excess of 180,000 square feet, the determination of the density factor will be made by the Planning Commission and Health Department. The development is on a property with an area of 201,072 square feet. The maximum density at a ratio of 1 bed for every 3,000 square feet would be 67. This plan proposes 16 beds. The Health Department has no objection to the proposed density.

Additionally, Chapter 158 sites the setbacks for assisted living facilities as 50 foot at the front, 40 foot at the side, and 50 foot at the rear with increased provisions for these distances being determined by the Planning Commission and Health Department. The Health Department has no objection to the minimum building lines as proposed.

§ 158.070 “A” AGRICULTURAL DISTRICT.

(H) Bulk requirements. The following minimum requirements shall apply, except as hereinafter modified in § 158.130:

(2) Nursing homes and assisted living facilities.

	Lot Area	Lot Width (feet)	Density	Front Yard Depth (feet)	Side Yard Width (each side yard) (feet)	Rear Yard Depth (feet)

Nursing homes, assisted living facilities	3 acres	150	1 bed/ 3,000 sq. ft. ¹	50 min. ²	40 min. ²	50 min. ²
¹ For those areas in excess of 180,000 square feet, the determination of the density factor will be made by the Commission and the Health Department upon the review and approval of the site development plan.						
² As lot area increases above minimum of 45,000 square feet, increased provision for front, side, and rear yards shall be determined by the Planning Commission and the Carroll County Health Department based on the site development plan.						

The site will be accessed from an existing private drive proposed to be shared with the Golden Crest 1 facility. No improvements are proposed in the SHA right-of-way and as such SHA has no objection to approval of the plan. No traffic study was required.

The total numbers of parking spaces required for this development is 6 and 14 parking spaces are shown on the site plan. An accessible walkway with ramp connects the parking area to the front porch. A walkway and patio are proposed as a secondary route between the parking area and the front entry.

One dumpster, located at the rear of the building, has both vehicular access and a paved walk access from the building. Screening is proposed in compliance with the Landscaping Ordinance. Water and sewer will be provided via a private well and septic system. The building will be equipped with an automatic sprinkler system to comply with Fire Protection.

The building elevations are included on sheets 2 and 3 of the concept site plan. The building has the appearance of a Cape Cod style home, maintaining the aesthetic established with Golden Crest 1. Proposed colors include tan / brown / green stone, tan siding, a copper metal roof and a gray / brown asphalt shingle roof, black shutters, and white trim, posts, and railings. In keeping with the residential intent, no commercial lighting is proposed for the site; only building-mounted lighting. A 2.5-foot by 2-foot unlit directional sign affixed to a 6-foot high post is the only one proposed.

On January 12, 2015, the Design and Architectural Review Committee (DARC), an advisory group, met to review the project. The review was favorable and acknowledged elevation design to be compatible with, and as residential in nature as, the Golden Crest 1 building.

A suggestion was made by Development Review to depict a campus plan with Golden Crest 1 shown for reference. Development Review requested consideration of the maneuvering of vehicles accessing the dumpster and possible benefit of an independent turn-around.

The Bureau of Resource Management has granted concept Stormwater Management (SWM) approval. SWM will be addressed through grass swales, downspout disconnects, and drywells. A forest bank will be utilized to comply with the requirements of the Forest Conservation Ordinance. The site will be screened in accordance with the Landscape Manual, with landscaping between the building and Nelson Road.

The final site plan will be tested and reviewed for conformity with Chapter 156 of the Code of Public Laws and Ordinances of Carroll County Maryland: Adequate Public Facilities and Concurrency Management.

Discussion:

Ms. Matyas indicated that the Commission would need to make determinations regarding the density, site layout, and exterior design for this project.

John Lemmerman, RTF Associates Inc., addressed staff's consideration of the maneuvering of vehicles accessing the dumpster noting that the hauler pulls straight into the dumpster location and backs straight out.

Richard Soisson, Commission member, asked what would happen if the applicant wished to increase the density of the project in the future.

Ms. Matyas noted that any increase in density would require an amended site plan come before the Planning and Zoning Commission.

Matthew Helminiak, Commission member, asked whether anything had been done differently with Golden Crest 2, after the experience of having Golden Crest 1 up and running.

Robert Meekins, developer, noted that he has three other assisted living facilities throughout the County, and they used the same design.

Mr. Helminiak asked why the State Highway Administration owns Nelson Road.

Mr. Meekins explained that the property was purchased for a cloverleaf that was never constructed.

Decision:

Pursuant to Chapter 158.070(E)(1)(r), the Commission, on motion of Mr. Wothers, seconded by Mr. Helminiak, and carried, endorsed the project with regard to density, site layout, and exterior design.

FINAL SITE PLAN REVIEW

- A. S-14-0024, Well No. 12 (Gesell Tract)
- B. S-14-0021, South Carroll Gateway Industrial Park Lot 8

A. S-14-0024, WELL NO. 12 (GESELL TRACT)

LOCATION: 706 Agricultural Center Drive, north side of Smith Avenue, E.D. 7

OWNER: Mayor and Common Council of Westminster, 56 West Main Street,
Westminster, MD 21157

DEVELOPER: Same as Owner

ENGINEER: ARRO, 1101 Opal Court, Third Floor, Hagerstown, MD 21740

ZONING: Conservation

ACREAGE: .678 Acres

FIRE DISTRICT: Westminster

WATERSHED: Double Pipe Creek

MASTER PLAN: Conservation (2007 Westminster Environs Comprehensive Plan)

PRIORITY
FUNDING AREA: Westminster

DESIGNATED
GROWTH AREA: Westminster

Clayton R. Black presented the background.

Action Required:

The plan is before the Planning and Zoning Commission per Section 153.059 of the Code of Public Local Laws and Ordinances of Carroll County for consideration and approval of a site plan.

Existing Conditions:

The subject property is located directly along the access road behind the Danele Shipley Memorial Arena at the Carroll County Agricultural Center. The subject property is currently unimproved. It is surrounded by lands owned by the Commissioners of Carroll County, Farm Museum, and the Agricultural Center. Property to the north is in the City of Westminster and owned by the Mayor and Common Council of Westminster. The properties containing the Farm Museum and Agricultural Center are zoned Conservation. The southern portion of the Gesell tract, owned by Carroll County, is zoned R-20,000. The Farm Museum and Agricultural Center are connected to the Westminster water and sewer service.

Site Plan Review:

The City of Westminster proposes to construct a 64 x 40 (2,560 square foot) concrete block building on property owned by the City, that is located in the County. This 15 foot high building will house a water treatment facility for purposes of treating a raw water well located nearby. That water well (well #12) is a supplemental water source for the City's water system. On November 14, 2014 the County Commissioners of Carroll County conveyed to the City of Westminster, the .678 acre property that will house the water treatment facility.

The site plan was presented at the November 24, 2014 Technical Review Committee meeting. Access to the site occurs over the existing drive that enters off of Gist Road and leads to the

parking area behind the Agricultural Center buildings. The project is exempt from the requirements of the Landscape Code. The plan meets the requirements of the Water Resources, Floodplain and Stormwater Management Codes. Stormwater Management will be provided by a drywell and sheet flow to a buffer with a level spreader at the buffer edge. Forest Conservation is being addressed by off-site banking.

The site will have three parking spaces for employees.

Recommendation:

Staff recommends approval of the site plan subject to the following conditions:

1. That the Developer enter into a Public Works Agreement with Carroll County that guarantees completion of the improvements.
2. That a Stormwater Management Easement and Maintenance Agreement be granted to the County Commissioners of Carroll County by a deed to be recorded simultaneously with the Public Works Agreement.

Discussion:

Matthew Helminiak, Commission member, asked why the County purchased the property.

Richard Soisson, Commission member, noted that the property was originally purchased for the Ag Center expansion.

Mr. Black explained that the property had been used to expand the parking area, and the City of Westminster was able to achieve a well to supplement their water supply system.

Mr. Soisson asked why this location was selected.

Jeff Glass, City of Westminster, indicated that the City and County worked together on the project. Because the future use of the Gesell property is unknown, the well was sited out of the way to ensure more options for the future use of the property.

Mr. Soisson asked if it would be better to have access from MD 27.

Mr. Glass indicated that the property can be accessed from either side, but specifically from MD 27 by utilizing the existing driveway. He explained that the MDE permitting and appropriation process had been completed.

There were no public comments.

Decision:

Pursuant to Section 153.059 of the Code, the Commission, on motion of Mr. Helminiak, seconded by Mr. Wothers, and carried (Commissioner Weaver abstained), approved the final site plan with the two recommendations contained in the staff report.

B. S-14-0021, SOUTH CARROLL GATEWAY INDUSTRIAL PARK LOT 8

LOCATION: West side of Old Washington Road (Route 97) at Mabe Drive

OWNER: Paul J. Grochmal, Personal Representative of the Estate of Jacob H. France, 10 Delrey Ave, Catonsville, MD 21228

DEVELOPER: David Morris, 7606 Woodbine Road, Woodbine, MD 21797

ENGINEER: Vanmar Associates, Inc., 310 South Main Street, Mount Airy, MD 21771

ZONING: IG – General Industrial

ACREAGE: 3.2189 acres

WATERSHED: Patapsco - South Branch

FIRE DISTRICT: Sykesville

MASTER PLAN: Industrial

PRIORITY
FUNDING AREA: Outside

DESIGNATED
GROWTH AREA: Outside

Laura Matyas presented the background.

Action Required:

The plan is before the Planning and Zoning Commission per Chapter 155 of the Code of Public Local Laws and Ordinances of Carroll County for consideration and approval of a final site plan.

Existing Conditions:

The 3.2 acre subject property was created as Lot 8 of the South Carroll Gateway Industrial Park with a plan of subdivision recorded in Plat Book 50, Pages 97-99 in 2007 (see attached). Access is from Old Washington Road (Maryland Route 97) via a private use-in-common driveway, Mabe Drive, which bisects the property to provide access to Lot 9 in the industrial park. The rear half of the lot hosts a forest, a stream, a Floodplain Easement, and a Forested Water Resource Protection Easement.

The property is outside of priority funding areas, designated growth areas, and water and sewer service areas.

Adjoining properties to the north and south are in the South Carroll Gateway Industrial Park and share the General Industrial zoning. The two properties to the south are developed and occupied by D & D Drilling and Final Journey Crematory, while the northern adjoining property is undeveloped. The western adjoining General Industrial-zoned property is owned by Parrott

Materials Company. Properties across Old Washington Road to the east lie within the Agricultural Zoning District and are built with single-family residences.

Plan Review:

The developer proposes to build a 6,000 SF one-story metal building to accommodate a roofing contractor's office and storage facility for equipment and materials. Required parking for the site calculates to 15 spaces and 15 spaces are provided. The site will be served by a private well and septic system. The proposed land use is consistent with the 2014 Carroll County Master Plan land use designation of Industrial.

Elevations are shown on sheet 6 of the plan set. The one-story metal building, with almond colored walls and a gray roof, maintains the typology of the buildings in the industrial park. A three-foot high stone veneer base on three sides of the building adds variation. The only signage proposed is building-mounted: one 56 square foot sign on the Old Washington Road elevation and one 40 square foot sign at the main entrance. New lighting will be building-mounted as well.

Existing landscaping that was a requirement of the subdivision of South Carroll Gateway Industrial Park has been diminished; three trees are missing and one is damaged. They will be replaced with this site development. Landscaping requirements are being met with dumpster screening and parking lot plantings. Forest Conservation was addressed with the subdivision plan. Stormwater Management for the site was addressed with the subdivision plan. Drywells are proposed at the building. Underground storage tanks in the industrial park meet the requirements of Fire Protection.

The Health Department has requested a test well be drilled and sampled for Heavy Metals, VOCs, and SOCs. As of the writing of this report, the well has been drilled. Final approval from the Health Department is outstanding, pending the results of the testing. It is anticipated that approval will be obtained in advance of the Planning and Zoning Commission meeting.

The proposed site plan was subject to Citizen's Involvement during the November 24, 2014 Technical Review Committee meeting. There were no citizens who spoke at the meeting and no written comments were forwarded to the Bureau of Development Review.

The concept plan was presented to the Design and Architectural Review Committee (DARC), an advisory committee, on November 13, 2014. The Committee recommended that the building design respond to the prominence of the site, a gateway to Carroll County. Suggestions were made to expand the stone up a portion of the vertical face of the Front Elevation, enlarge the windows at the Right Side Elevation, and depict the canopy in detail.

On December 16, 2014, the concept plan was presented to the Planning and Zoning Commission. Chairman Yeo asked that the Developer consider DARC's comments regarding additional details to pronounce the front entry such as expanding the stone up a portion of the vertical face of the front elevation. The building elevations have been modified to include building-mounted light fixtures and depict divided-lite windows with shutters.

Recommendations:

Pursuant to Chapter 155, staff recommends approval of the site development plan subject to the following conditions:

1. That the Developer enters into a Public Works Agreement with Carroll County that guarantees completion of the improvements.
2. That a Stormwater Management Easement and Maintenance Agreement be granted to the County Commissioners of Carroll County as an easement of access to the County Commissioners or authorized representatives by a deed to be recorded simultaneously herewith.
3. That a Landscape Maintenance Agreement be recorded simultaneously with the Public Works Agreement.
4. That any changes to this plan will require an amended site development plan to be approved by the Carroll County Planning and Zoning Commission.

Discussion:

Richard Soisson, Commission member, asked about the previous Commission request to expand the stone up a portion of the vertical face of the front elevation.

Ron Thompson, Vanmar Associates Inc., noted that the additional stone work would not be done, but the structure is compatible with the surrounding buildings.

There were no public comments.

Decision:

In accordance with Chapter 155, the Commission, on motion of Mr. Helminiak, seconded by Mr. Wothers, and carried (Commissioner Weaver abstained), approved the site plan subject to the four conditions in the staff report.

CONCEPT SUBDIVISION PLAN REVIEW

A. P-14-005, O'Hagan's Ridge, Reconfiguration of Lot 4

A. P-14-005, O'HAGAN'S RIDGE, RECONFIGURATION OF LOT 4

LOCATION: North side of Carrollton Road at Houck Road, E.D. 8

OWNER: David E. Wilson & Rebecca L. Wilson, 16 Brian Daniel Court,
Reisterstown, MD 21136

DEVELOPER: Same as Owner

SURVEYOR: RTF Associates, 142 East Main Street, Westminster, MD 21157

ZONING: Agricultural
ACREAGE: 5.92 acres
WATERSHED: Liberty Reservoir
NO. OF LOTS: 1 Relocated and Resized
FIRE DISTRICT: Reese
MASTER PLAN: Agricultural
PRIORITY
FUNDING AREA: Outside
DESIGNATED
GROWTH AREA: Outside

Laura Matyas presented the background.

Action Required:

The plan is before the Planning and Zoning Commission per Chapter 155 of the Code of Public Local Laws and Ordinances of Carroll County for consideration of a Concept Major Subdivision Plan. No action is required.

Existing Conditions:

There are two subject properties, both owned by David and Rebecca Wilson; Lot 4 of O'Hagan's Ridge which is a 2.366-acre property and the 71.419-acre Remaining Portion (see attached). Both properties lie in the Agricultural Zoning District and are buildable parcels but are void of residences. The Remaining Portion currently hosts a tree farm operation and is accessible via an existing drive from Houck Road as well as a use-in-common driveway from Carrollton Road. The use-in-common driveway is shared by three users. Lot 4 is accessed from O'Hagan's Drive, a use-in-common drive shared by five lots (two existing users).

Lot 4 exists as open land currently utilized as cropland in conjunction with a portion of the Remaining Portion. In addition to the tree farm, the Remaining Portion has an extensive forested area and stream segment at the western portion with an existing 2.405-acre forest conservation easement and a forested water resources protection easement.

All surrounding properties are zoned Agricultural and are served by private wells and private septic systems. To the northeast of Lot 4 are two properties in Rider Estates that are built with single-family houses. The adjoining property to the northwest is vacant and owned by the Brennans who own Lots 1, 2, 3, and 5 of O'Hagan's Ridge subdivision with a residence built on Lot 3. Across Houck Road are large farmlands combined with smaller residential lots.

Two lots are encompassed by the Remaining Portion; a 2.379-acre property with a residence and an 8.976-acre property which, in addition to a residence, hosts a farm complex with associated outbuildings. Adjoining to the northwest is a 169-acre farm under an agricultural easement. At Carrollton Road and adjoining to the west is the Mewshaw Property subdivision (see attached). Across Carrollton Road are multiple properties ranging in size from 1 to 4 acres, built with single-family houses, and private drives to Carrollton Road.

The subject properties are outside of a designated growth area and will be served by private well and septic systems.

Property History:

In 1994, two 6-acre off-conveyances were created from the 99-acre parent parcel. The adjoining off-conveyances were located at the northeastern property line with frontage on Houck Road. In 1999, the second off-conveyance was consolidated back into the Remainder and re-established as a 12-acre off-conveyance internal to the Remainder with no road frontage (see attached). Rider Estates, a two-lot subdivision, was created from Off-conveyance 1 in 2005 (see attached).

In December of 2005, the property owners of the 12-acre Off-conveyance 2, Michael and Amy Dull, obtained property from the owner of the Remainder to establish an in-fee strip connecting their property to Carrollton Road and rendering the property eligible for subdivision. Off-conveyance 2 was subdivided in 2007 as Colvery View (see attached). It resulted in a 2.379-acre lot and a 8.976-acre Remaining Portion of Colvery View where the Dulls still live. Both are accessed via a use-in-common drive from Carrollton Road, shared with the Remainder.

O'Hagan's Ridge Section One subdivided lots from the Remainder in 2007, resulting in 2 lots of subdivision and a 74.6-acre Remaining Portion of O'Hagan's Ridge with further subdivision potential (see attached). The remaining 3 lots of the yield were subdivided in 2011 with O'Hagan's Ridge Section Two in 2011 (see attached). The Wilsons bought the Remaining Portion in 2013 and Lot 4 in 2014. The regulations for the Agricultural Zoning District prohibit further subdivision of the Remaining Portion of O'Hagan's Ridge for the purpose of creating additional lots for residential use.

Plan Review:

The developer proposes to consolidate the 2.366-acre Lot 4 of O'Hagan's Ridge into the Remaining Portion then subdivide to create Lot 4A, a 5.81-acre lot at Carrollton Road west of the existing use-in-common drive for Colvery View and the Remaining Portion. Access is proposed from a private drive from Carrollton Road.

Depicted on the plan is a proposed residence on the Remaining Portion utilizing an existing private driveway from Houck Road. Lot 4 will be removed from the existing Declaration of Maintenance Obligations (DMO) for O'Hagan's Drive.

The Rural Design Standards for Agricultural and Conservation Districts in the Code of Public Local Laws and Ordinances of Carroll County address the location and size of new lots with regard to the remaining portion and its land use. Lot 4 was clustered in O'Hagan's Ridge and approved as a 2.366-acre lot. Lot 4A is sited adjoining Colvery View and the Mewshaw

Property subdivisions and proposes an increase of 3.444 acres over Lot 4. The relocation and resizing proposed for Lot 4A merits direction from the Planning and Zoning Commission.

§ 155.024 RURAL DESIGN STANDARDS FOR AGRICULTURAL AND CONSERVATION DISTRICTS.

(A) Unless otherwise determined by the Planning Commission, new residential building lots proposed to be created in the “A” and “C” Districts shall be:

- (1) Located in low priority woodlands or on pasture land rather than productive cropland;
- (2) Located to avoid prevailing winds from blowing odors toward homesites from existing or future barnyards, silos, and other similar farm buildings or related uses;
- (3) Designed at a minimum lot size of one acre and clustered to achieve the maximum possible amount of land remaining in cropland in the “A” District;
- (4) Designed at a minimum lot size as required by [Chapter 158](#) in the “C” District, unless clustered in accordance with this chapter. This minimum lot size shall apply to the remainder and all proposed lots; and
- (5) Designed, whenever possible, to avoid the construction of new streets or additional entrances onto a public street.

While the proposed use is consistent with the 2014 Carroll County Master Plan Future Land Use Map designation of Agricultural, a plan review by Comprehensive Planning recommends assessing the lot in accordance with the County’s goals in Agricultural areas (see attached). The Master Plan states that in Agricultural areas “subdivisions, particularly those designed with lot sizes of two acres or more, have been Carroll County’s greatest challenge to conserving farmland.” Comprehensive Planning recommends consideration of creating a smaller Lot 4A.

At the Technical Review Committee meeting, the owner/developer, Mr. Wilson, provided an explanation of the Lot 4A location and lot size; siting soil type and sun exposure at Lot 4 as more productive for crops, and challenges of accessibility in farming the portion of property divided by the Colvery View use-in-common.

No floodplain or streams exist on proposed Lot 4A. Stormwater management will be addressed with a drywell. No landscaping is required. Forest Conservation will require that any difference in disturbance between Lot 4 and Lot 4A be addressed. The developer proposes to enlarge the existing Forest Conservation Easement on the Remaining Portion accordingly.

The subdivision plan was subject to citizen involvement on April 27, 2015 during the Technical Review Committee meeting. There were no citizens who spoke at the meeting. Development Review has received communications from multiple citizens regarding this project. A letter was submitted by the Shanks, adjoining property owners in Colvery View (see attached). Phone correspondence was received from Mr. Dull, adjoiner in Colvery View. Both Colvery View owners stated concerns with proximity and privacy. Additional phone correspondence was received from Mr. Rider and Mr. Brennan, Lot 4 adjoiners, inquiring about the plan and commending Mr. Wilson’s neighborly demeanor. Mr. Ashburn, adjoiner at Carrollton Road, phoned to request a plan to review the proposed driveway location in relation to his existing driveway.

As no additional residential lots are being created, this project is not subject to Concurrency Management.

Discussion:

David Wilson, owner, reported that the soil types are very different between the area where Lot 4A is currently located and the area of the requested change; productivity is also about one-third when compared to the current lot location. Mr. Wilson also raised concerns about maneuvering farm equipment.

Commissioner Weaver noted that he is very familiar with the property. He concurred that the ground is very productive where the lot is currently located, but not so much where the lot is proposed to be moved.

Richard Soisson, Commission member, questioned whether there were any plans to provide a buffer for surrounding property owners.

Mr. Wilson indicated that trees would be planted to block the view; the area also slopes.

Public Comments:

Mike Dull, Carrollton Road, noted that he has been farming that ground since 1983, and the productivity is not that bad. He discussed an issue he had with his property being landlocked and questioned how this change could be approved. Mr. Dull expressed concern that Mr. Wilson had never reached out to the neighbors to inform them of his plans. He noted that another neighbor, Mr. Shank, was unable to attend the meeting.

Commissioner Weaver asked Mr. Dull how this change would impact him.

Mr. Dull explained that the aesthetics would change.

John Lemmerman, RTF, explained that the property that Mr. Dull owned was landlocked, and it was necessary for him to purchase a 30 foot fee strip in order to subdivide the property. He noted that Mr. Wilson is simply taking an existing lot and relocating it, not increasing lot yield.

Mr. Soisson asked that Mr. Wilson work with the neighboring properties to try through landscaping to block the views.

PRELIMINARY AND FINAL SUBDIVISION PLAN REVIEW

A. P-14-004, Chadwick Court, Resubdivision of Lot 1A

A. P-14-004, CHADWICK COURT, RESUBDIVISION OF LOT 1A

LOCATION: West side of Bell Road, 7th Election District

OWNER: Pauline M. Coker, 1210 Chadwick Drive, Westminster, MD 21158

DEVELOPER: Same as Owner

ENGINEER: CLSI, 439 East Main Street, Westminster, MD 21157

ZONING: R-20,000

ACREAGE: 4.88 acres

WATERSHED: Double Pipe Creek

NO. OF LOTS: 2 lots (1 new lot)

FIRE DISTRICT: Westminster

MASTER PLAN: Medium Density Residential

PRIORITY
FUNDING AREA: Outside

DESIGNATED
GROWTH AREA: Outside

Clayton R. Black presented the background.

Action Required:

Four actions are required:

1. Approval of the Preliminary Plan of Subdivision pursuant to Chapter 155, Development and Subdivision of Land, of the Code of Public Local Laws and Ordinances of Carroll County.
2. Approval of the Preliminary Plan of Subdivision pursuant to Chapter 156, Adequate Public Facilities and Concurrency Management, of the Code of Public Local Laws and Ordinances of Carroll County.
3. Approval of the Final Plan of Subdivision pursuant to Chapter 155, Development and Subdivision of Land, of the Code of Public Local Laws and Ordinances of Carroll County.
4. Approval of the Final Plan of Subdivision pursuant to Chapter 156, Adequate Public Facilities and Concurrency Management, of the Code of Public Local Laws and Ordinances of Carroll County.

Existing Conditions:

The plan is a resubdivision of Lot 1A of Chadwick Court previously recorded in Plat Book 30 Page 191. The subject property is zoned R-20,000 and is improved with a house and shed. The property is accessed from Chadwick Drive, a use-in-common driveway, and is served by a private well and a septic system.

The property owner of Lot 1A proposed the same property division in 2009 and received preliminary and final plan approval on December 15, 2009. The developer allowed the preliminary plan approval to expire.

Plan Review:

The developer proposes to create one new lot. Lot 1A, with the existing house, is 2.66 acres, and Lot 3, the new lot, is 2.22 acres.

Lot 1A and 3 will be accessed from Chadwick Drive. Lot 3 will achieve technical frontage on Bell Road. Chapter 155.025C. of the Code of Public Local Laws and Ordinances of Carroll County sets a limit of 5 users on a use-in-common driveway in the residential districts. On February 25, 2014, in Case 5742, the Board of Zoning Appeals granted a variance to allow 6 users on Chadwick Drive, a use-in-common driveway. The decision is attached.

The plan is exempt from the requirements of Landscaping and Forest Conservation. Lot 1A is exempt from the requirements of stormwater management. Stormwater management on Lot 3 is being addressed with a drywell.

On June 17, 2014, the concept plan was presented to the Planning and Zoning Commission for advisory comments and guidance to the owner/developer (minutes attached). As a result of the comments provided at the concept plan, the developer has proposed a tree row of five Leyland Cypress to be planted at the rear of the property that borders the Sirinakis property.

Recommendations:

Pursuant to Chapter 155, staff recommends approval of the preliminary and final plans subject to the following conditions:

1. That any changes to the Preliminary Plan and Plat as submitted and approved by the Commission herein shall be resubmitted to the Commission for further review and approval.
2. That a stormwater management easement and maintenance agreement be granted to the County Commissioners of Carroll County as an easement of access to the County Commissioners or authorized representatives by a deed to be recorded simultaneous with recordation of the plat.

CONCURRENCY MANAGEMENT REPORT

Clayton R. Black presented the background.

Subdivision Plan: P-14-004, Chadwick Court, Resubdivision of Lot 1A

Number of Lots: 2 lots (1 new lot)

Schools: Westminster Elementary
Westminster West Middle
Westminster High

Roads: Bell Road

Fire and EMS: Westminster

Police Services: Maryland State Police/Carroll County Sheriff's Office

Background:

Pursuant to Chapter 156 of the Code of Public Local Laws and Ordinances, once the Department has determined that the residential development plan may be presented to the Commission, the plan is reviewed for Available Threshold Capacity. This project was reviewed for one new residence (existing residence located on Lot 1A).

Agency Responses:

Police Services:

The estimated Carroll County population as of March 31, 2015 was 171,406. As of that date, among the police forces in the County with staffing levels established by an annual budget including the Carroll County Sheriff's Office and the municipal police departments, there were 195 funded officer positions and 41 Maryland State Police officers. Based on a total of 236 positions, the ratio of sworn law enforcement positions to Carroll County population as of the end of March 2015 was 1.38. Including the development projects in the pipeline, the ratio remains over 1.3. Services are adequate if the projected ratio of sworn law enforcement officers to population is 1.3:1,000. The ratio shall be calculated by counting all sworn officers with law enforcement responsibility in an incorporated municipality or within the county and by counting the total population within the incorporated municipalities and within the unincorporated county.

Schools:

The proposed subdivision is located in the Westminster Elementary, Westminster West Middle, and Westminster High attendance areas. In accordance with the criteria established in Chapter 156, all schools are rated adequate for Fiscal Years 2015-2020.

The December 2014 enrollment projections, prepared by Carroll County Public Schools, indicate that Westminster Elementary had an actual enrollment of 79.6% of state-rated capacity. The projections indicate that enrollment will decline to 65.9% of state-rated capacity by the end of the 6-year CIP cycle. In this attendance area there is one additional residential development, comprised of 84 lots, currently in the review process. There are approximately four subdivision lots in the Westminster attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit. An elementary school serving a proposed project is adequate, for the purposes of Chapter 156, when current or projected enrollment equals or is less than 109% of the state-rated capacity.

The December 2014 enrollment projections indicate that Westminster West Middle had an actual enrollment of 94.4% of functional capacity. The projections indicate that enrollment decreases to 88.3% of functional capacity by the end of the 6-year CIP cycle. In this attendance area there are seven additional residential developments, comprised of 141 lots, currently in the review process. There are approximately 73 lots in the Westminster West Middle school area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit. A middle school serving a proposed project is adequate, for the purposes of Chapter 156, when current or projected enrollment equals or is less than 109% of the functional capacity.

The December 2014 enrollment projections indicate that Westminster High had an actual enrollment of 84.2% of state-rated capacity. The projections indicate that enrollment will decrease to 81.8% of state-rated capacity by the end of the 6-year CIP cycle. In this attendance area there are 12 additional residential developments, comprised of 189 lots, currently in the review process. There are approximately 165 residential subdivision lots in the Westminster attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit. A high school serving a proposed project is adequate, for the purposes of Chapter 156, when current or projected enrollment equals or is less than 109% of the state-rated capacity.

Fire and Emergency Medical Services:

The proposed subdivision is located in the Westminster fire and emergency medical services district. The two-year period of April 2013-March 2015 late and no response statistical data indicates that of the first due total fire calls in the Westminster district, 0.00% were categorized as no responses, and 1.00% as late and no responses. Of the first due emergency medical service calls, 0.00% were categorized as no responses and 0.00% as late and no responses. Westminster is rated adequate for late and no response criteria for fire services and emergency medical services.

With regard to fire call average response time, for the same two-year period, Westminster had an average response time of 7 minutes and 51 seconds – adequate. With regard to emergency medical call average response time, Westminster had an average response time of 6 minutes and 39 seconds – adequate. Services are rated adequate if when utilizing an average over the previous 24 months, response time is 8 minutes or less from time of dispatch to on-scene arrival with adequate apparatus and personnel.

The primary route from the firehouse to the proposed development does not include travel over bridges that cannot adequately support fire and emergency response apparatus – adequate.

Roads:

Bell Road is rated adequate.

Chapter 156 Recommendation:

With regard to a preliminary plan, Chapter 156-6D(4)(c) states “If all public facilities and services are adequate during the current CIP, the Planning Commission may approve the plan to proceed to the final plan stage and issue a recordation schedule and building permit reservations,

subject to a building permit cap adopted by the County Commissioners in effect at the time of application for building permits.”

Pursuant to Chapter 156, staff recommends that the Planning Commission approve the preliminary plan with conditions as follows:

1. Police, schools, roads, and fire and emergency medical services are considered adequate;
2. the building permit reservation is for 1 lot in FY15, subject to modification at the final plat stage;
3. the recordation schedule requires the plat to be recorded within 24 months of preliminary approval;
4. the building permit reservation is allowed to roll over year after year until the sunset provision takes effect and the preliminary plan becomes void.

With regard to a final plan, Chapter 156-6E(4) states “For projects that received a recordation schedule and building permit reservations at the preliminary plan stage, the Planning Commission’s Secretary shall inform the developer whether any existing or proposed building permit cap would be applicable to the project.” No building permit cap is applicable to this project.

Pursuant to Chapter 156, staff recommends that the Planning Commission approve the final plan as follows:

1. Police, schools, roads, and fire and emergency medical services are considered adequate;
2. the building permit reservation is for 1 lot in FY15;
3. the recordation schedule requires the plat to be recorded within 24 months of preliminary approval;
4. the building permit reservation is allowed to roll over year after year until the sunset provision takes effect and the preliminary plan becomes void

Discussion:

Mr. Black requested a third condition requiring the owner to plant the five trees now or wait and post a Public Works Agreement (PWA).

Marty Hackett, CLSI, indicated the trees will be planted now, so they do not have to go through the PWA process.

Mr. Black stated the third condition would require that the five trees be planted prior to plat recordation.

Mr. Hackett noted that they had spoken to Mr. Sirinakis, and there is no problem with planting the five trees.

There were no public comments.

Decision:

The Commission, on motion of Mr. Helminiak, seconded by Mr. Wothers, and carried (Commissioner Weaver abstained), approved the preliminary plan of subdivision pursuant to Chapter 155, subject to the conditions in the staff report; approved the preliminary plan of subdivision pursuant to Chapter 156, subject to the conditions in the staff report; approved the final plan of subdivision pursuant to Chapter 155 subject to the conditions in the staff report; and approved the final plan of subdivision pursuant to Chapter 156 subject to the conditions in the staff report. With regard to the Chapter 155 approvals, a third condition was added to require that the five trees must be planted prior to recordation of the plat.

FINAL PLAT MODIFICATION REVIEW

A. AP-14-0060, Huntfield, Amended Plat of Lot 7 Plat B

A. AP-14-0060, HUNTFIELD AMENDED PLAT OF LOT 7 PLAT B

Philip R. Hager, Secretary, noted that this item is on the agenda for deliberation and possible action today; however it represents an issue that was discussed and subsequently tabled on March 17, 2015. At the March 17 meeting there was substantial discussion on whether or not the Commission could legally make a determination in this matter. These questions revolved around the requirement that the Commission take an affirmative action which is arguably in contravention to the ordinance since the Commission's action would create a lot that does not meet the lot requirements specified in the Code. The matter was tabled and the Commission directed Gail Kessler, County Attorney's Office, to investigate the matter further. Prior to moving forward, a determination must be made by the Commission as to whether it wishes to take any further action on this matter. A motion would be necessary to move it off the table. The vote needs to be based on the quorum of the March 17 meeting (Yeo, Soisson, Helminiak, Wothers, Cheatwood, and Rothschild).

The Commission, on motion of Mr. Helminiak, seconded by Mr. Wothers, and carried, acted to bring the matter back for further consideration.

The Commission asked for an update from Ms. Kessler. Ms. Kessler referenced her April 29, 2015 memorandum to the Commission which stated that the Board of Zoning Appeals (BZA) provided clarification of the granted variance. The BZA explained that the variance was intended to give the property owner a legal lot to have a building right. If the house was to be razed, another house could be built. Ms. Kessler explained that there is no basis for the Commission to refuse to sign the plat.

Laura Matyas presented the background.

LOCATION: South side of Chanter Drive, East of Salem Bottom Road, E.D. 9

OWNER: Matthew Zimmerman & Susan B. Boyce, 3801 Salem Bottom Road,
Westminster, MD 21157

DEVELOPER: Same

ENGINEER: A.L.S. Inc., 194 East Main Street, Westminster, MD 21157

ZONING: Conservation

ACREAGE: 3.0340 acres

WATERSHED: Liberty Reservoir

NO. OF LOTS: n/a

FIRE DISTRICT: Winfield

MASTER PLAN: Conservation

PRIORITY
FUNDING AREA: Outside

DESIGNATED
GROWTH AREA: Outside

BZA CASE: 5752

Action Required:

The plan is before the Commission for final approval of a plat modification in accordance with Code section 155.020-F of the Code of Public Local Laws and Ordinances of Carroll County. The Director has determined not to waive the requirement of seeking approval from the Planning and Zoning Commission.

 § 155.020 SUBDIVISION CONTROL.

(F) **Plat modification or reassembly.**

(1) The Director, at his or her discretion, may waive:

(a) The requirement of seeking approval from the Planning Commission for a modification, plat reassembly, or other adjustment, correction, or change to a subdivision plat recorded among the Land Records of Carroll County

History:

The subject property was created as Lot 7 on Plat B of the Huntfield subdivision in 1978. Huntfield resulted in 29 lots of subdivision in what was the Agricultural Zoning District when the preliminary plan was approved in 1976 (see attached). Lot size in the Agricultural Zoning District was not regulated prior to 1978; it was at the discretion of the Planning and Zoning Commission. Plat A recorded Lots 1 thru 6 on December 30, 1977 (see attached). Lots 1, 2, 3, 4, and 6 along Salem Bottom Road are between 1.52 acres and 1.79 acres in size and Lot 5 is 3.02 acres as shown on the approved Preliminary Plan.

On June 6, 1977, prior to recordation of Huntfield Plat A, the lands designated as Parcel A (0.7971 acres) and Lot 25 (3.2542 acres) on the approved Preliminary Plan were created in separate deeds by the owner / developer of Huntfield, Jenkins-Roth, Incorporated. Although this parcel and lot were included on the approved Preliminary Plan, they were conveyed by deed and not depicted on the record plat as would have been required by County Code and the subdivision process.

On June 15, 1977, John and Eleanor Day were deeded two separate properties (Parcel A, now Parcel 371 and Lot 25, now Parcel 372) within one deed. On the same date, the Days purchased the 9.1449-acre adjoining property (Parcel 181). The three parcels have never been consolidated into a single-perimeter description. The Days conveyed all the properties via two deeds and three distinct parcels to the current owners, Matthew Zimmerman and Susan Boyce, in 1990.

In 1978, a comprehensive rezoning of the Agricultural Zoning District resulted in an area around and inclusive of the Huntfield subdivision, as well as Parcel 181, being rezoned as Conservation. Huntfield Plat B recorded Lots 7 thru 12 and Huntfield Plat C recorded Lots 13 thru 20 on June 22, 1978 (see attached). The final plat, Huntfield Plat D, was recorded on July 10, 1987 (see attached). All of the lots on Plats B thru D including the subject property, Lot 7, a 3.0340 acre lot, meet the minimum lot size requirement of 3.0 acres in the Conservation Zoning District.

Matthew Zimmerman and Susan Boyce's current deed for Lot 7 is dated October 25, 2013. They hold independent titles to Lot 7, the adjoining Parcel 181, and Parcels 371 and 372.

On August 26, 2014, the Board of Zoning Appeals (BZA) heard Case 5752; an appeal of Zoning Administrator Case ZA-1492 for a reduction of Lot 7's size from 3.0392 acres to 2.0832 acres by applicants Matthew Zimmerman and Susan Boyle (cases attached). The Board approved the applicant's request.

Existing Conditions:

The subject property, Lot 7 of the Huntfield subdivision, is built with a single-family residence at the front portion of the property at Chanter Drive. Access is off of Chanter Drive via a private driveway. Beyond the curtilage area, the property is densely wooded and evergreens line the rear property line shared with Parcel 181. There are no streams or floodplains on site. Private well and septic systems serve the property. Adjoining properties are all zoned Conservation and are built with single-family residences, excluding Parcel 371. In addition to a residence, Parcel 181 hosts a farm complex with associated outbuildings.

Plan Review:

The Huntfield Amended Plat of Lot 7 proposes to reduce the size of Lot 7 by 0.9549 acres at the rear property line and add the acreage to Parcel 181, resulting in a 2.0791-acre Lot 7 in accordance with BZA Case 5752.

While all review agencies have approved the plat modification in accordance with their respective Codes, the Bureau of Comprehensive Planning issued a memorandum withholding their support of the proposal (see attached) and the Director determined that the amended plat should come before the Planning and Zoning Commission as outlined in the Code.

Recommendations:

Pursuant to Chapter 155, staff recommends approval of the plat modification, in accordance with the BZA decision, subject to the following conditions:

1. That the 0.9549 acre reduction of Lot 7, as well as Parcels 371 and 372 are consolidated with Parcel 181 by a deed to be recorded simultaneously with the recordation of the plat.
2. That any changes to the Plat as submitted and approved by the Commission herein shall be resubmitted to the Commission for further review and approval.

Discussion:

Clark Shaffer, attorney for the developer, provided a summary of the situation to date. He stated his opposition to the condition requiring parcel consolidation, indicating it is not related to the request before the Commission. Mr. Shaffer indicated it is a legitimate request to require the consolidation of the .9 acres being removed from Lot 7, but this action is not related to Parcel 372. He suggested that there is a possibility that Parcel 372 has a lot right. Mr. Shaffer requested that the Commission approve the amended plat without Condition 1 or with the removal of Parcel 372 from the condition.

Ms. Kessler explained that Department staff are asking for the consolidation of the lots to protect the public from the possibility of an unsuspecting buyer not realizing that there is no building right on the property. Parcel 372 has been investigated by staff and found to not have a building right. The applicant had substantial opportunity to review the consolidation issue since the original staff report was issued.

Mr. Shaffer noted that these determinations are complicated and expensive inquiries.

Secretary Hager asked Mr. Black who makes the determination regarding illegal lots.

Mr. Black responded that is one of the responsibilities of the Bureau of Development Review. A determination has been made by staff and staff is requesting the consolidation to correct a situation that could befall an unsuspecting purchaser in the future.

There were no public comments.

Decision:

Pursuant to Chapter 155, the Commission, on motion of Mr. Wothers, seconded by Mr. Helminiak, and carried (Commissioner Weaver abstained), approved the plat modification in accordance with the Board of Zoning Appeals decision, subject to the conditions in the staff report, including the first condition that the 0.9549 acre reduction of Lot 7, as well as Parcels 371 and 372 are consolidated with Parcel 181 by a deed to be recorded simultaneously with the recordation of the plat.

INTRODUCTION OF PROPOSED TEXT AMENDMENT TO THE B-NR ZONE

Brooks Leahy, representing Lou and Sam Mangione, discussed a proposed amendment to the B-NR Zoning District with the Commission. He showed the location of the 15.56 acre property on the Freedom Mini Plan Map. Mr. Leahy explained that the property was zoned "BL", but all "BL" lands were converted to "B-NR" with the establishment of that zoning district. When the text for the B-NR district was written, a restriction of 10,000 square feet was made for each use which impacts larger sized parcels. Several rezonings were completed in the area to address the larger sized parcels affected by this change. Mr. Leahy explained that the Mangione's had submitted a rezoning request, but it was abandoned due to economic conditions. The proposed amendment provides a 10,000 square foot limitation for properties five acres or less, but allows for parcels greater than five acres to have a 40,000 square foot limitation.

Matthew Helminiak, Commission member, suggested that this property could be addressed during the Freedom Plan Update process.

Mr. Leahy expressed concern with the length of time until a plan is Adopted and a comprehensive rezoning accomplished.

Lou Mangione explained that the proposed use for the site is a German based grocery store of 30,000 square feet. There are currently none in the United States, but they plan to open several and want them all on-line at the same time in 2017/2018.

Mr. Helminiak noted that if a change is made to size limitations, any use allowed in that district could be constructed on the property.

It was the consensus of the Commission that staff review the proposed text amendment and bring it back to the Commission with a recommendation.

The Commission was reminded that the evening meeting scheduled for Wednesday, June 3 had been cancelled.

There being no further business, the Commission adjourned at approximately 12:15 p.m. on motion of Mr. Wothers, seconded by Mr. Helminiak, and carried.

Secretary

Approved